



Metropolitan Transportation Authority

State of New York

September 30, 2021

Via ECF

Hon. Mary Kay Vyskocil
United States District Court
Southern District of New York
500 Pearl Street, Room 2230
New York, NY 10007

Re: El Bey v. Crocillo, et al., 20-CV-524 (MKV) (pro se)
Letter-Motion Requesting Conference Regarding Response to Complaint and
Extension of Time to Answer

Dear Judge Vyskocil:

I represent Defendant Metropolitan Transportation Authority, named here as the “MTA” and “MTA 34th Precinct @ Penn Station,” in the above-referenced action. I write to address the MTA’s response to the Second Amended Complaint (Dkt. No. 38) and to join in the request filed by counsel for the individual MTA police officers for a conference to address that response. Insofar as the ECF docket presently reflects that the MTA is due to respond to the complaint by October 8, 2021, the MTA requests an extension of its time to respond.

As counsel for the individual officers noted in their letter to the Court, the Second Amended Complaint largely concerns Plaintiff’s arrest by MTA police officers on January 9, 2020 and the degree of force used in that arrest. But the complaint also cites a large number of laws that have no bearing on this subject matter or even provide a private right of action. Additionally, the complaint includes multiple attachments with a Southern District *pro se* complaint form—two of which are typed documents that are also labeled “amended complaint,” but none of which has numbered paragraphs—leaving it unclear what the allegations are, to which defendants are expected to respond. And many of the hand-written allegations are also illegible.

Finally, although Plaintiff submitted an affidavit of service (Dkt. No. 40) asserting that she served the MTA on September 17, 2021, Plaintiff merely mailed copies by U.S.P.S. Certified Mail, as reflected in the scanned Certified Mail Receipts she included, without including a summons or F.R.C.P. 4(d) waiver form, and even those documents weren’t received until recently. At no point in this action has the MTA been properly served with a summons and complaint, and the Court therefore presently lacks personal jurisdiction over it.

(continued on next page.)

The agencies of the MTA

MTA New York City Transit
MTA Long Island Rail Road

MTA Metro-North Railroad
MTA Bridges and Tunnels

MTA Construction & Development
MTA Bus Company

The MTA has not requested any prior extensions of its time to respond to the complaint, and the MTA has not sought Plaintiff's consent to resolve these issues, because counsel for the MTA believes that, at least at present, such efforts would be futile without the Court's guidance.

Sincerely,



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CC:

Counsel for all parties who have appeared, via ECF

Ms. El Bey, Plaintiff *pro se*, by email and First-Class Mail to
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(Stated to be Plaintiff's preferred method of contact at her notice of claim hearing.)